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13  
14 UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

15  
16 “LILY,” “SARAH,” “SOLOMON,”  
17 WILLIAM L.E. DUSSAULT, Guardian Ad  
18 Litem for “VIOLET”, a minor, JANE DOE as  
next friend for “PIA, a minor, “ANDY,” and  
“JENNY,”

19 Plaintiffs,

20 v.

21 JAN ROUVEN FUECHTENER,

22 Defendant.

23 Case No: 2:19-cv-00352-RFB-EJY

24 PLAINTIFFS’ REQUEST FOR JUDICIAL  
NOTICE IN SUPPORT OF THEIR  
MOTION FOR SUMMARY  
JUDGMENT

25 Judge: Honorable Gloria M. Navarro United  
26 States District Court Judge

27 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

28 PLEASE TAKE NOTICE that Plaintiffs request this Court to take judicial notice, pursuant to

29 Federal Rule of Evidence 201, of the documents listed below and attached to the Declaration of Carol

L. Hepburn (“Hepburn Decl.”) in support of Plaintiff’s Motion for Judicial Notice. Specifically, Plaintiffs request that the Court take judicial notice of the following documents:

**Exhibit 1:** is a true and correct copy of the November 16, 2016 Plea Agreement filed at ECF 146 in *United States v. Jan Rouven Fuechtener*, United States District Court, District of Nevada, No. 2:16-cr-00100-GMN-CWH (Hepburn Decl. ¶3, Ex. 1);

**Exhibit 2:** is a true and correct copy of the February 28, 2019 Partial Transcript of Proceedings of Sentencing and Disposition, filed April 8, 2019 at ECF 356 in *United States v. Jan Rouven Fuechtener*, United States District Court, District of Nevada, No. 2:16-cr-00100-GMN-CWH (Hepburn Decl. ¶5, Ex. 2); and,

**Exhibit 3:** is a true and correct copy of the March 6, 2019 Judgment and Appended Restitution List, setting forth the victims who were awarded restitution, filed at ECF 345 in *United States v. Jan Rouven Fuechtener (AKA Lars Schmidt)*, United States District Court, District of Nevada, No. 2:16-cr-00100-GMN-CWH (Hepburn Decl. ¶4, Ex. 3).

## **MEMORANDUM OF POINTS AND AUTHORITIES**

## INTRODUCTION

Plaintiffs’ “Lily” et al respectfully request that this Court take judicial notice of three documents listed above and filed in the criminal case, *United States v. Jan Rouven Fuechtener*, United States District Court, District of Nevada, No. 2:16-cr-00100-GMN-CWH.

## ARGUMENT

In considering a motion for summary judgment, a court may consider any matters subject to judicial notice. A matter is subject to judicial notice when it is “not reasonably subject to dispute” because it either “(1) is generally known within the trial court’s territorial jurisdiction; or (2) can be

1 accurately and readily determined from sources who accuracy cannot reasonably be questioned" Fed.  
2 R. Evid. 201(b). A court "must take judicial notice if a party requests it and the court is supplied with  
3 the necessary information." Fed. R. Evid. 201(c)(2).

4 Judicial notice may be taken of "undisputed matters of public record: and "documents on file in  
5 federal or state courts" in order to determine "what issues were actually litigated" before the court.

6 *Harris v. County of Orange*, 682 F.3d 1126, 1132 (9<sup>th</sup> Cir. 2012) (citing *Bennett v. Medtronic, Inc.*, 285  
7 F.3d 801, 803 n.2 (9<sup>th</sup> Cir. 2002)).

8 All the documents of which Plaintiffs request notice here are of public record in this court's  
9 criminal case docket. All are relevant to Plaintiffs' claims herein as they establish Defendant's  
10 conviction of a predicate offense under 18 U.S.C. § 2255, his admission of injury to his victims by his  
11 offense, the court's finding of losses suffered by Plaintiffs herein caused by the Defendant's offense,  
12 and the entry by the court of the order of Restitution.

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15  
16 **CONCLUSION**

17 For the foregoing reasons, Plaintiffs' respectfully request that the Court grant their Request for  
18 Judicial Notice in support of their Motion for Summary Judgment.

19  
20 Dated this 12th day of June, 2020.

21  
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